

Notice of Allowability

Application No.

09/234,695

Examiner

Beth Van Doren

Applicant(s)

DELLEVI ET AL.

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications received 12/13/04.
2. ☒ The allowed claim(s) is/are 17-21 and 24-28.
3. ☒ The drawings filed on 21 January 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

1. The following action is in response to communications received 12/13/2004. Claims 17-19, and 23 were amended by these communications and claims 27-28 were added. Claims 1-28 were pending. Mr. Proehl agreed to an Examiner's amendment on 04/29/05, by which the limitations of claims 23 and 24 were added to claim 19 with claims 22 and 23 being canceled. Therefore, after the examiner's amendment, claims 17-21 and 24-28 are pending in this application and are allowable. This action includes an examiner's amendment and reasons for allowance.

Response to Argument

2. Applicant's arguments, see pages 8-9 of the remarks filed 12/13/2004, with respect to MizziSoft (www.mizzisoft.com) have been fully considered and are persuasive. Therefore, the 35 USC § 103 rejections of the previous office action have been withdrawn.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes be unacceptable to the applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jeffrey Proehl on April 29, 2005. The application has been amended as follows:

In the claims:

Art Unit: 3623

19. A computer-implemented method for processing signals related to trading shifts between employees, the method comprising:

establishing a preliminary schedule of shifts on a computer system;

presenting to the first employee by the computer system the preliminary schedule of shifts;

accepting by the computer system a conditional offer from a first employee, assigned to work a first shift, to trade the first shift for another shift on the preliminary schedule of another employee;

displaying to other employees the conditional offer to trade the first shift for another shift;

receiving a conditional acceptance by the computer system from a second employee to trade a second shift of the second employee for the offered first shift of the first employee;

confirming a trade of the first shift of the first employee for the second shift of the second employee upon verification of criteria, or rejecting the trade of the first shift for the second shift upon non-verification of the criteria;

transferring by the computer system, upon confirmation of the trade, the first shift from the first employee to the second employee and transferring the second shift from the second employee to the first employee;

wherein the step of confirming includes comparing by the computer system the training data associated with the second employee with training requirements associated with a work area function to be performed on the first shift to verify that the second employee is qualified to perform the work area functions associated with the first shift;

Art Unit: 3623

wherein the step of confirming includes checking by the computer system a length of time between a time of receipt of the conditional acceptance and a time of occurrence of the first shift and the second shift against a predetermined minimum time period for trading shifts to verify that the length of time is not less than the minimum time period, providing a management user of the computer system with the capability to change the predetermined minimum time period.

[cancel claims 22-23]

Reasons for Allowance

5. Claims 17-21 and 24-28 are allowed.

6. The following is an examiner's statement of reasons for allowance: None of the prior art of record, taken individually or in any combination, teach or suggest a conditional offer by a first employee to trade a first shift for another shift of another employee and a conditional acceptance of the offer from a second employee, with the conditional acceptance not being confirmed until the computer checks the training data of the second employee as well as the length of time between the receipt of the conditional acceptance and the times of the first and second shifts against a predetermined minimum.

The prior art references most closely resembling the Applicant's claimed invention are Donnelly et al. (U.S. 6,049,776), Fields et al. (U.S. 5,111,391), "Visual Rota from CDT" (www.btinternet.com/~vrota), and "Security System Minimizes Baggage" (Business Computing Brief).

First, Donnelly et al. discloses a computer system for assigning shifts to workers to build a schedule. Employee identities and the employees' skills/qualification are stored in the system as are shift identities and skills/qualifications associated with these shifts. Shifts are then assigned using this data. Shifts may be transferred between employees, but only if the skills/qualifications of the employee meet the skills/qualifications required by the job. However, Donnelly et al. does not expressly disclose swapping shifts using conditional offers and acceptances, wherein a conditional acceptance is confirmed by checking the training data associated with the shifts as well as checking the length of time between the receipt of the conditional acceptance and the times of the first and second shifts against a predetermined minimum.

Second, Fields et al. discloses establishing a preliminary schedule of shifts with employees assigned to shifts using the stored job skill and training requirements and the stored qualifications of the employees. This preliminary schedule is displayed to the employees and will later be maintained and edited to meet changing needs of the employees and the schedule. Fields et al. further discloses restricted access to the data of the system. However, Fields et al. does not expressly disclose swapping shifts using conditional offers and acceptances, wherein a conditional acceptance is confirmed by checking the training data associated with the shifts as well as checking the length of time between the receipt of the conditional acceptance and the times of the first and second shifts against a predetermined minimum.

Third, "Visual Rota from CDT" teaches creating a preliminary schedule of shifts of employees, a first employee offering to swap a first shift with another employee, a second employee accepting the swap with the first employee, rules associated with swapping shifts, and

Art Unit: 3623

allowing a swap to occur if the rules are met. However, “Visual Rota from CDT” does not expressly disclose confirming a conditional acceptance by checking training data associated with the shifts as well as checking the length of time between the receipt of the conditional acceptance and the times of the first and second shifts against a predetermined minimum.

Finally, “Security System Minimizes Baggage” teaches a system tailored to an airport for staffing requirements and scheduling. The system holds employee details such as name, address, employee number, skill levels, etc. The system also holds details about works areas, such as minimum skill level required, staff members required, etc. as well as details on employees shifts, such as how many employees are on a shift, the length of the shift, etc. “Security System Minimizes Baggage” further discloses that the system is used for staff rostering, with workstations utilized so staff can book leave and swap shifts. These functions would be restricted to employees using pins and smart cards. However, “Security System Minimizes Baggage” does not specifically disclose a conditional offer, a conditional acceptance, or confirming a conditional acceptance by checking training data and the length of time between the receipt of the conditional acceptance and the times of the first and second shifts against a predetermined minimum.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement for Reasons for Allowance”.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kida (U.S. 5,907,829) discloses a work management system that assigns work project tasks and allows a requestor to trade this work project to a requestee based on the deadline of the project task.

Thompson et al. (U.S. 6,344,133) teaches a substitute fulfillment system that allows a replacement worker to be found for an open shift based on qualifications of the replacement.

Elliot ("Scheduling Time for AI") teaches scheduling using AI logic including logic to perform swapping of assignments.

Adaptiv Software Corporation (www.adaptiv.com) discloses a workforce shift scheduler.

Atlas Business Solutions ("Visual Staff Scheduler Pro and Staff Files") teaches scheduling shifts using scheduling software that allows time off to be tracked and allows changes to be made.

InTime Solutions, Inc. (www.intimesoft.com) discloses a staff scheduling software package.

"1996 SLD Shift Policy" (www-sla.sac.Stanford.edu/sldwww/shifts/1996_policy.html) teaches scheduling shifts and allowing swapping of shifts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.


Art Unit: 3623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lwd
bvd

April 29, 2005


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